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September 3, 1954

Ray E. Tarbox, Commissioner
State Liquor Commission
Concord, New Hampshire

Dear Mr. Tarbox:

In a conference of this date you have advised us that a permittee under R.L. c. 170 is displaying its trade-mark upon its delivery trucks within this State and you have inquired our opinion whether such display constitutes a violation of R.L. c. 170, s. 42, or rules and regulations made thereunder. We reply in the affirmative.

The section cited prohibits all advertising of liquor or beverage within the State, other than through the medium of newspapers, magazines, periodicals, and radio broadcasting, except as specifically authorized by the Commission. Pursuant to this regulation the Commission has promulgated its Advertising Regulation No. 6 which reads as follows:

"Advertising of alcoholic beverages by brands on delivery trucks, automobiles or other motor vehicles is hereby prohibited."

You advise in the present case that the trade-mark under consideration is well known and is used by the permittee, generally, in advertising its brand of products, such products being alcoholic beverages. While only the trade-mark itself is used, without the addition of any words which urge the purchase of the permittee's products, it is our opinion that such use is clearly advertising. And, of course, it comes squarely within the language of the advertising regulation cited.

If we can be of any assistance to you in this matter, will you kindly advise.

Very truly yours,

Warren E. Waters
Deputy Attorney General

WEW/cml

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